

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN SENATE MAY 25, 2005

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE APRIL 7, 2005

SENATE BILL

No. 475

Introduced by Senator Runner

February 18, 2005

An act to add Section 116787 to the Health and Safety Code, relating to sanitation districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 475, as amended, Runner. Drinking water: water softening and conditioning appliances: Santa Clara River.

Existing law authorizes a residential water softening or conditioning appliance to be installed only if certain conditions are met. Existing law further provides, notwithstanding the above authorization, that a local agency may, by ordinance, limit the availability of, or prohibit the installation of, residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

This bill would provide, notwithstanding that authorization, that ~~a sanitation district within Los Angeles County that owns or operates a wastewater treatment facility, or a community sewer system, that discharges to the Santa Clara River or its tributaries~~ *the Santa Clarita Valley Sanitation District, or any successor district,* may by ordinance adopted ~~concurrently with, or after~~ *subsequent to* an ordinance

adopted pursuant to, the aforementioned provisions, require the removal of all installed residential water softening or conditioning appliances that discharge to the community sewer system, if the sanitation district makes specified findings, and includes them in the ordinance.

The bill would require ~~a~~ *the* sanitation district, prior to the effective date of any ordinance adopted pursuant to those provisions, to make available to residents within its service area a voluntary program to compensate the resident for 100% of the reasonable value of the removed residential water softening or conditioning appliance, and the reasonable cost of the removal and disposal of the appliance, both of which shall be as determined by the sanitation district. The bill would require ~~a~~ *the* sanitation district, on and after the effective date of any ordinance adopted pursuant to those provisions to make available to residents within its service area a program to compensate the resident for 75% of the reasonable value of the removed water softening or conditioning appliance, and the reasonable cost of removal and disposal of the appliance, both of which shall be determined by the sanitation district. The bill would provide that any ordinance adopted and approved pursuant to those provisions shall not take effect until January 1, 2009.

The bill would declare that, due to the unique circumstances related to the Santa Clara River Chloride Maximum Daily Load requirements for substantially reduced chloride levels in wastewater discharged by the Saugus and Valencia Reclamation Plans to the Santa Clara River that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) On May 4, 2005, a Total Maximum Daily Load (TMDL)
- 4 for chloride, established by the Regional Water Quality Control
- 5 Board, Los Angeles Region, took effect for ~~Regions~~ *Reaches* 5
- 6 and 6 of the Santa Clara River, located in Los Angeles County.

1 (b) The Regional Water Quality Control Board, Los Angeles
2 Region, found that, under the federal Clean Water Act (33 U.S.C.
3 Sec. 1313 et seq.), this chloride TMDL was necessary to bring
4 the Santa Clara River into attainment with water quality
5 standards applicable to the Santa Clara River to protect beneficial
6 uses, including salt-sensitive agricultural crops grown
7 downstream in Ventura County such as avocados.

8 (c) The Regional Water Quality Control Board, Los Angeles
9 Region, further found that the principal source of chloride into
10 ~~Regions~~ *Reaches* 5 and 6 is discharges from the Saugus Water
11 Reclamation Plant and the Valencia Water Reclamation Plant,
12 which are wastewater treatment plants serving approximately
13 180,000 residents of the Santa Clarita Valley.

14 (d) The Santa Clarita Valley Sanitation District, which owns
15 and operates the Saugus and Valencia Water Reclamation Plants,
16 has extensively studied the sources of chloride in local
17 wastewater and has found that about one-third of the chloride
18 comes from the use of residential self-regenerating water
19 softeners that discharge brine to the sewer.

20 (e) Effective March 27, 2003, in accordance with the
21 requirements of Section 116786 of the Health and Safety Code,
22 originally added by Senate Bill 1006 (Ch. 969, Stats. 1999), the
23 Santa Clarita Valley Sanitation District adopted an ordinance
24 prohibiting the installation of new residential self-regenerating
25 water softeners in the Santa Clarita Valley.

26 (f) Senate Bill 1006 prohibited local agencies from adopting
27 ordinances requiring the removal of residential self-regenerating
28 water softeners that were installed prior to the effective date of
29 the ordinance.

30 (g) Without the removal of the residential self-regenerating
31 water softeners that were installed prior to the effective date of
32 the ordinance in the Santa Clarita Valley, it is improbable that the
33 Saugus and Valencia Water Reclamation Plants can meet the
34 requirements of the TMDL in a timely manner, without the
35 installation of advanced treatment for salt removal and brine
36 disposal at a projected cost to the community of at least \$350
37 million.

38 SEC. 2. Section 116787 is added to the Health and Safety
39 Code, to read:

1 116787. (a) Notwithstanding subdivision (d) of Section
2 ~~116786, a sanitation district within Los Angeles County that~~
3 ~~owns or operates a wastewater treatment facility, or a community~~
4 ~~sewer system, that discharges water to the Santa Clara River or~~
5 ~~its tributaries 116786, the Santa Clarita Valley Sanitation~~
6 ~~District, or any successor district, may by ordinance adopted~~
7 ~~concurrently with, or after subsequent to an ordinance adopted~~
8 pursuant to, Section 116786, require the removal of all installed
9 residential water softening or conditioning appliances that
10 discharge to the community sewer system, if the ~~sanitation~~
11 district makes ~~both~~ all of the following findings, and includes
12 those findings in the ordinance:

13 (1) The removal of the softening or conditioning appliances is
14 a necessary and cost-effective means of achieving timely
15 compliance with waste discharge requirements, water
16 reclamation requirements, or a Total Maximum Daily Load
17 (TMDL) issued by a California regional water quality control
18 board. In determining what constitutes a necessary and
19 cost-effective means of achieving compliance, the ~~sanitation~~
20 district shall assess ~~both~~ all of the following:

- 21 (A) Alternatives to the ordinance.
22 (B) The cost-effectiveness and timeliness of the alternatives as
23 compared to the adoption of the ordinance.
24 (C) *The reduction in chloride levels to date resulting from the*
25 *voluntary program implemented pursuant to paragraph (1) of*
26 *subdivision (c).*
27 (D) *The potential reduction in chloride levels expected as a*
28 *result of the voluntary program implemented pursuant to*
29 *paragraph (1) of subdivision (c).*

30 (2) The sanitation district has adopted and is enforcing
31 regulatory requirements that limit the volume and concentrations
32 of saline discharges from nonresidential sources in the
33 community sewer system, to the extent that is technologically
34 and economically feasible.

35 (3) *Based on available information, sufficient waste water*
36 *treatment capacity exists in Los Angeles County to make portable*
37 *exchange water softening appliances available to residents*
38 *affected by this ordinance.*

39 (4) *Based on available information, the adoption and*
40 *implementation of this ordinance will avoid or significantly*

1 *reduce the costs associated with end-of-pipe treatment that*
 2 *otherwise would be necessary to meet the Total Maximum Daily*
 3 *Load (TMDL) for chloride, established by the Regional Water*
 4 *Quality Control Board, Los Angeles Region, for Reaches 5 and 6*
 5 *of the Santa Clara River, in Los Angeles County that took effect*
 6 *May 4, 2005.*

7 (b) (1) An ordinance adopted pursuant to subdivision (a) shall
 8 not be effective until such time that it is approved by a majority
 9 vote of the qualified votes cast in ~~an election~~ *the next regularly*
 10 *scheduled election, following the adoption of the ordinance, held*
 11 *in the sanitation district's service area, in a referendum in*
 12 *accordance with applicable provisions of the Elections Code.*

13 (2) *Information regarding the projected cost differences*
 14 *between the construction of an advanced treatment plant without*
 15 *the removal of installed residential water softening or*
 16 *conditioning appliances that discharge to the community sewer*
 17 *system, alternatives identified in subparagraph (1) of subdivision*
 18 *(a), and the removal of installed residential water softening or*
 19 *conditioning appliances that discharge to the community sewer*
 20 *system must be included in voter information material.*

21 (c) (1) Prior to the effective date of any ordinance adopted
 22 pursuant to subdivision (a), ~~a sanitation~~ *the district* shall make
 23 available to residents within its service area a voluntary program
 24 to compensate the resident for 100 percent of the reasonable
 25 value of the removed residential water softening or conditioning
 26 appliance, and the reasonable cost of the removal and disposal of
 27 those appliances, both of which shall be determined by the
 28 ~~sanitation district~~ *district, with consideration given to*
 29 *information provided by local manufacturers.*

30 (2) On and after the effective date of any ordinance adopted
 31 pursuant to subdivision (a), ~~a sanitation~~ *the district* shall make
 32 available to residents within its service area a program to
 33 compensate a resident for 75 percent of the reasonable value of
 34 any removed residential softening or conditioning appliance, and
 35 the reasonable cost of the removal and disposal of the appliance,
 36 both of which shall be determined by the ~~sanitation district~~
 37 *district, with consideration given to information provided by*
 38 *local manufacturers of residential self-generating water*
 39 *softeners and providers of water softening or conditioning*
 40 *appliances and services in the Santa Clarita Valley regarding*

1 *purchase price, useful life, and the cost of installation, removal,*
2 *and disposal.*

3 *(3) The terms of compensation included in paragraphs (1) and*
4 *(2) shall be included in an ordinance adopted pursuant to*
5 *subdivision (a).*

6 *(4) (A) Upon the request of the district, the providers of water*
7 *softening services or appliances to residents of the Santa Clarita*
8 *Valley shall provide the district, within a reasonable period,*
9 *copies of purchase agreements or receipts, or any other specific*
10 *records of sales of residential self-generating water softeners in*
11 *the district's service area.*

12 *(B) The information in this paragraph shall remain protected*
13 *and confidential in accordance with applicable provisions of the*
14 *Public Records Act (Chapter 3.5 (commencing with Section*
15 *6250) of Division 7 of Title 1 of the Government Code).*

16 *(d) Any ordinance adopted pursuant to subdivision (a) and*
17 *approved in accordance with subdivision (b) shall not take effect*
18 *until January 1, 2009.*

19 SEC. 3. Due to the unique circumstances related to the Santa
20 Clara River Chloride Total Maximum Daily Load requirements
21 for substantially reduced chloride levels in wastewater
22 discharged by the Saugus and Valencia Water Reclamation
23 Plants to the Santa Clara River, it is necessary that the affected
24 local agencies be authorized to require removal of residential
25 water softening or conditioning appliances, and thus the
26 Legislature finds and declares that a general statute cannot be
27 made applicable within the meaning of Section 16 of Article IV
28 of the California Constitution.